

REMARKS

This is responsive to the Office Action dated March 8, 2004. A Response is due by June 8, 2004 without an extension of time.

Claims 1, 3 and 15-16 are pending in the application. Claims 4-14 are withdrawn from consideration as being drawn to a non-elected invention and have been cancelled. Claims 15 and 16 are new claims.

Claims 1-3 were rejected under 35 U.S.C. §102 as anticipated by, or alternatively 35 U.S.C. §103 as obvious, over the Korai article, under 35 U.S.C. §102 as being anticipated by, or alternatively under 35 U.S.C. §103 as obvious, over Tamaki (U.S. Patent No. 5,494,567), and under 35 U.S.C. §103 as unpatentable over Korai taken with Tamaki.

The claims as presently amended are believed to neither be anticipated by nor obvious from either the Korai article or the Tamaki patent, either alone or in any combination under 35 U.S.C. §103.

Korai teaches a process for the preparation of mesocarbon microbeads by dispersing mesophase pitch in isotropic pitches. In the process the synthetic naphthalene mesophase pitch is dispersed in the synthetic isotropic naphthalene pitch at 300° to 380°C under rapid agitation for about thirty minutes. The isotropic pitch should be stable up to the temperature range where the mesophase pitch can be molten with a certain viscosity. The isotropic pitch is then extracted using a solvent. The process produces mesocarbon microbeads. It does not teach any reaction because the heating is for such a short time. Therefore, the process will not produce pitch with an anisotropic content.

Tamaki teaches a process for producing an optically isotropic reformed pitch useful for various carbon materials where the process comprises using a pitch with a strong Lewis acid and a cosolvent, reacting the mixture at a temperature of 100° to 300°C, and removing the Lewis acid and cosolvent from the reaction product. The mesocarbon microbeads are then heat-treated at 200° to 380°C to produce optically anisotropic small spheres which are separated from the optically isotropic matrix.

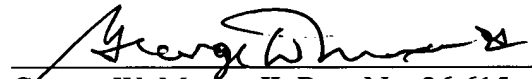
The presently claimed process does not use a catalyst or a cosolvent and does not require

an extraction step as is required by Tamaki to produce a pitch with an optically anisotropic content. Claim 1 excludes the use of a catalyst and solvent in the process of preparing a pitch with optically anisotropic content. New claim 15 limits the process by requiring that the heat-soaking of the resulting pitch mixture be conducted at a temperature above 400°C. Neither Korai nor Tamaki teach such a process. Nor would the presently claimed process be obvious from Korai or Tamaki.

For the foregoing reasons, a reconsideration of the rejections and an allowance of presently pending claims 1, 3, 15 and 16 is respectfully requested.

Should the Examiner have any questions or wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call to finalize allowance of this application and its issuance as a patent.

Respectfully submitted,



George W. Moxon II, Reg. No. 26,615

Roetzel & Andress

222 South Main Street

Akron, OH 44308

Telephone: (330) 849-6689

Facsimile: (330) 376-4577

Attorney for Applicant

June 3, 2004

1169805_1/089498.0411